

# City of Auburn, Maine

*"Maine's City of Opportunity"*

Office of Planning & Permitting

## **PLANNING BOARD STAFF REPORT**

To: Auburn Planning Board

From: Douglas M. Greene, AICP, RLA  
City Planner

Re: John F. Murphy Day Services Facilities, 1512 Minot Avenue

Date: May 13, 2104

I. PROPOSAL- Joy and Hamilton Architects, Inc., an agent for John F. Murphy Homes is seeking approval of a Special Exception and Site Plan Review application at 1512 Minot Avenue pursuant to Chapter 60, Sections 60-525 (b), (14); 60-1301 and 60-1336 of the City of Auburn Ordinances. The application seeks to replace an existing 6,000 s.f. adult day care facility with a new 2 story 15,200 s.f. building. Due to contractual obligations, the current building will continue to operate while the new facility is being built. A larger parking area containing 52 spaces will be constructed once the old building is demolished.

The 9.93 acre property at 1512 Minot Avenue is zoned General Business II (Minot Ave.) for the majority of front part of the property and Agricultural and Resource Protection towards the rear where it backs up to the Little Androscoggin River. A small perennial stream cuts through the property from the northeast side and empties into the Little Androscoggin River. The property has steep slopes and woods to the rear.

The proposal is seeking to construct a new 15,200 s.f. building and is therefore a Special Exception (and Site Plan Review) due to being a new building larger than 5,000 s.f. in the GB II zone as per Chapter 60, Sections 60-525 (b) of the City of Auburn Ordinances.

## II. DEPARTMENT REVIEW-

- a. Police- No Comments.
- b. Auburn Water and Sewer District- In a memo dated May 5, 2014, Superintendent John Storer is satisfied with the proposal with regards to water service. The new facility will be served by a new septic system to handle waste.
- c. Fire Department- The Auburn Fire Department was initially concerned about the building having an adequate supply of water for fire protection. The proposed building will have a sprinkler system and after further evaluation, the Fire Department is satisfied that the existing fire hydrant on site and the sprinkler system will supply adequate fire protection.

Another issue raised by the Fire Department has been egress from the lower floor during a fire. There will be steep slopes on both sides of the building and a sidewalk is proposed on one side. The latest site plan revision (received on 5/9/14) has a “safe refuge” area 60 feet from the building to protect persons on the first floor. The Fire Department is still looking into whether this approach meets state code.

- d. Engineering- The Engineering Department made comments on the location of the septic tank and drainage concerns in the parking lot, both of which were resolved; and is requesting a condition of approval be added regarding bonding and inspection fees.
- e. Planning Department- The Planning Department raised concerns about the impacts and logistics of building a new facility while continuing to operate the existing one. In particular, construction of the new building would be very close to the existing building (within 5 feet of the drop-off canopy). After meeting with the project architect, it was explained that the canopy would be constructed after the existing building is demolished, leaving enough space for construction access.

During a field visit, it was observed that a large amount of trash is on the steep slope behind where the future building will be built. Cleaning up that area should be one of the conditions of approval.

The other concern the planning staff has is for a steep sidewalk at 13.8 %, now proposed on one side of the building. While the proposal is meeting fire safety standards on protecting users of the 1<sup>st</sup> floor and meets ADA requirements, the staff still has concerns about the general safety of a sidewalk that steep.

- III. **PLANNING BOARD ACTION**- The Planning Board needs to review the Murphy Day Services application as a Special Exception and as a Site Plan Review.

**SITE PLAN**- A Site Plan is required as part of a Special Exception review. The applicant met the requirements of the Site Plan Law in their application. The Planning Board needs to make its decision based on the Site Plan Law, **Sec. 60-1277. Objective-** *“In considering a site plan, the planning board shall make findings that the development has made provisions for:”*

- (1) Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against artificial and reflected light, sight, sound, dust and vibration; and preservation of light and air;*
- (2) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas;*
- (3) Adequacy of the methods of disposal for wastes; and*
- (4) Protection of environment features on the site and in adjacent areas.*

**SPECIAL EXCEPTION**- Because the proposed new building is over 5,000 s.f., the project needs to be approved as a special exception. A Special Exception is defined in the Zoning Ordinance (Page 14) as follows: **“Special exception means a use that would not be appropriate generally or without restriction throughout the district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity,**

or general welfare. Such a use may be permitted in such district as a special exception, if specific provision for such special exception is made in this zoning chapter and reasonable restrictions imposed by the planning board are complied with.” For this development application, the proposed new building is over 5,000 square feet in size and therefore is a Special Exception in the GBII zone.

The zoning ordinance describes the conditions needed for approval in:

**Sec. 60-1336. Conditions-**

(a) *As conditions prerequisite to the granting of any special exceptions, the board shall require evidence of the following:*

*(1) That the special exception sought fulfills the specific requirements, if any, set forth in the zoning ordinance relative to such exception.*

*(2) That the special exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard.*

*(3) That the special exception sought will not block or hamper the master development plan pattern of highway circulation or of planned major public or semipublic land acquisition.*

*(4) That the exception sought will not alter the essential characteristics of the neighborhood and will not tend to depreciate the value of property adjoining and neighboring the property under application.*

*(5) That reasonable provisions have been made for adequate land space, lot width, lot area, stormwater management in accordance with section 60-1301(14), green space, driveway layout, road access, off-street parking, landscaping, building separation, sewage disposal, water supply, fire safety, and where applicable, a plan or contract for perpetual maintenance of all the common green space and clustered off-street parking areas to ensure all such areas will be maintained in a satisfactory manner.*

*(6) That the standards imposed are, in all cases, at least as stringent as those elsewhere imposed by the city building code and by the provisions of this chapter.*

*(7) That essential city services which will be required for the project are presently available or can be made available without disrupting the city's master development plan.*

IV. STAFF RECOMMENDATION-

A. **Site Plan Review-** The Staff recommends the Planning Board **APPROVE** the Site Plan Review for the proposed development of John F. Murphy Day Service at 1512 Minot Avenue as the Revised Site Plan meets the requirements of the Site Plan Law **Sec. 60-1277** based on the findings that:

- The development has made provisions to protect adjacent areas against detrimental or offensive uses and will provide adequate surface water drainage and buffers against unwanted light, sound, dust and vibration and the preservation of light and air.
- The development has made provisions for safe vehicular and pedestrian movement within the site and adjacent areas.

- The development has made provisions for adequate disposal of wastes and the protection of environmental features of the site and adjacent areas.

C. **Special Exception-** The Staff recommends the Planning Board **APPROVE** the Special Exception for the John F. Murphy Day Service at 1512 Minot Avenue as the application meets the requirements of **Special Exception Law, Section 60-1336** based on the findings that:

- The proposal fulfills the requirements of the General Business II zone.
- The proposed development will not create traffic, fire or other safety hazards.
- Granting the Special Exception will not be an impediment to the implementation of the 2010 Comprehensive Plan.
- The proposed development will not have a negative effect on the characteristics or values of the neighborhood or surrounding area.
- The proposed development provides adequate area, open and green space, storm water management, parking, landscaping, building separation, water supply and building separation and the provision of maintenance of all of the above.
- The standards imposed are at least as stringent as those elsewhere imposed by the city.
- Essential services are available.

The approval of the Site Plan Review and Special Exception is made subject to the following conditions based on a revised site plan produced at the May 13 meeting to exclude the ADA compliant sidewalk on the east side of the proposed building unless required by the State Fire Marshall.

1. The steep slope area leading down to the small stream will be cleaned up during the installation of erosion controls measures.
2. Prior to the commencement of site work, the developer must contact the Engineering Department regarding the requirement to provide bonding and pay inspection fees to cover those site improvements which have public impacts.
3. Approval by Auburn Fire Department and State Fire Marshall.
4. Approval by Auburn Planning and Permitting Department.
5. Approval by the Division of Engineering of grading and drainage.
6. The dumpster shown on the May 13 revised plan shall be relocated to the approval of the Planning and Permitting Department.

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City Planner